

CAUSE NO. PD-0967-17

PETER ANTHONY TRAYLOR	§	IN THE COURT OF	FILED
	§		COURT OF CRIMINAL APPEALS
VS.	§	CRIMINAL APPEALS	5/2/2018
	§		DEANA WILLIAMSON, CLERK
STATE OF TEXAS	§	OF TEXAS	

MOTION TO POSTPONE ORAL ARGUMENT TO LATER DATE

TO THE HONORABLE JUDGES OF SAID COURT:

Now comes Peter Anthony Traylor, appellant in the above styled and numbered cause, and moves to postpone oral argument to a later date, and for good cause shows the following:

1. On December 13, 2017, this Court granted State's *Petition for Discretionary Review*. The State filed its original brief on January 30, 2018, with an amended brief filed on January 31, 2018.
2. The Reply Brief of Peter Anthony Traylor was filed on March 15, 2018.
3. On March 9, 2018, Counsel for the State filed a letter apprising this Court of an upcoming surgery and a request to postpone what was anticipated as an April 2018 date for submission of briefs/oral argument on the briefs to a May 2018 for submission on brief/oral argument on the briefs.

4. Counsel for Appellant did not oppose the State's request for postponement. This Court set the matter for oral argument on May 16, 2018 at 9:00 AM.

5. Counsel for Appellant is now requesting a postponement of oral argument from May 16, 2018 to a date in mid-to-late June 2018 (or even later if the Court would be so gracious) for the following reasons: The wife of Counsel for Appellant has been battling Acute Myeloid Leukemia (AML) for three (3) years. Over one (1) year ago Counsel and his wife enrolled in an experimental treatment that has suddenly been made available to Counsel's wife. Counsel for Appellant informed Counsel for State about the sudden availability of the experimental treatment on April 30, 2018, the same date on which Counsel for Appellant was informed of the availability. However, this three-part treatment involves a regimen of experimental medication for 7-10 days, starting today, radiation treatment for 1-2 days, and surgery to take place on May 15 or May 16, 2018, depending on the condition of Counsel's wife. The medical professionals have estimated a chance of success at around 30 percent, with a chance of overall survival of the surgery at or around 50/50.

6. Counsel for Appellant has attended every appointment, treatment, review, surgery, and every other medical procedure for the last three (3) years. While

Counsel dearly apologizes that this opportunity to prolong the life of Counsel's wife has suddenly emerged and created a conflict, Counsel for Appellant respectfully asks this Court to postpone the oral argument in this case. Counsel for Appellant truly desires to offer meaningful oral argument before this Court but cannot imagine missing out on the surgery that may prolong or cut short the life of Counsel's wife. Counsel for Appellant understands that no further requests for postponement will be entertained by this Court, regardless of the reason.

WHEREFORE, PREMISES CONSIDERED, Counsel for Peter Anthony Traylor respectfully requests this Court postpone the oral argument presently set on May 16, 2018 to a date at least in mid-to-late June 2018.

Respectfully submitted,

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By: /s/ Marc J. Fratter
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Attorney for Peter Anthony Traylor

CERTIFICATE OF SERVICE

This is to certify that on May 1, 2018, a true and correct copy of the above and foregoing document was served on the District Attorney's Office, Collin County, Texas, and the State Prosecuting Attorney, Austin, Texas by electronic delivery.

/s/ Marc J. Fratter

Marc J. Fratter

CERTIFICATE OF CONFERENCE

This is to certify that on April 30, 2018, Counsel for State, the only other Counsel who is participating in oral argument in the above-referenced and numbered cause, was apprised of Counsel for Appellant's request to postpone oral argument to a later date and, based on the written response received from Counsel for State, the State of Texas has no objection to the requested postponement by Counsel for Appellant.

/s/ Marc J. Fratter

Marc J. Fratter